

OAC - ATTACHMENT B
CLASSIFICATION OF CRIMES – (January 1, 2009)

Crimes shall be separated into seven (7) categories:

Class VII

A Class VII felony is a felony charge of murder with an allegation of one or more special circumstances regarding which murder charge the District Attorney's Office has announced it will definitely seek a penalty of capital punishment.

Class VI

A Class VI felony is a felony charge of murder with an allegation of one or more special circumstances making the case eligible for a punishment of LWOP (Life Without the possibility of Parole).

Class V

A Class V felony includes a charge of murder. Also included in Class V crimes shall be attempted, premeditated murder. Class V felonies are divided into two (2) levels. All cases are presumptively Level 1 cases. In the event the attorney believes the case is of such a substantially greater complexity that an increased fee structure is appropriate, counsel may petition the OAC Executive Director to have it declared a Level 2 case. Criteria to be used in determining whether or not a case should be declared a Level 2 case include, but are not limited to, the following: law enforcement officer killed; multiple killings; multiple defendants in excess of three; multiple victims; multiple counts; venue change cases and complexity of issues involved which will complicate the case and present extensive in limine motions.

Class IV

A Class IV felony is any felony charge that would constitute a "strike" offense pursuant to PC 667.5, PC 1192.7 or W & I 707(b). Also Class IV felonies shall consist of all crimes against the person. These include, but are not limited to, P.C. §192, P.C. §203, P.C. §207, P.C. §211, P.C. §220(a), P.C. §245, P.C. §261, P.C. §262, P.C. §264, P.C. §288, P.C. §289, P.C. §664/187 (no premeditation), and any attempts of Class IV felonies.

Class IV felonies are divided into two levels. All cases are presumptively Level 1 cases. In the event the attorney believes the case is of such a substantially greater complexity that an increased fee structure is appropriate, counsel may petition the OAC Executive Director to designate it a Level 2 case. Criteria to be used in determining whether or not a case should be declared a Level 2 case include, but are not limited to, the following: sex crimes; multiple defendants in excess of three; multiple victims; multiple counts;

venue change cases and complexity of issues involved which may complicate the case and present extensive in limine motions.

Cases with allegations of “Two prior strikes” shall be considered Level 2 Class IV felonies.

Class III

All other felonies shall be designated as Class III felonies. These include drug violations and crimes against property. These also include attempt and others not enumerated. Class III cases also shall be misdemeanor charges which impose mandatory registration pursuant to PC 290 (e.g., certain sub-sections of PC 243, PC 314, 647, etc.). Residential burglary (PC 459/460) is a Class III felony.

Class III felonies are divided into two levels. All cases are presumptively Level 1 cases. In the event the attorney believes the case is of such a substantially greater complexity that an increased fee structure is appropriate, counsel may petition the OAC Executive Director to designate it a Level 2 case. Criteria to be used in determining whether or not a case should be declared a Level 2 case include, but are not limited to, the following: residential burglary charge, voluminous discovery exceeding 5,000 pages.

Class II

Class II misdemeanors are Vehicle Code violations involving alcohol and drugs and also include P.C. §148, P.C. §242, P.C. §270, P.C. §272, P.C. §273.5, P.C. §647, any felony charge reduced to a misdemeanor pursuant to P.C. §17(b), and all Welfare fraud misdemeanor charges.

Class I

All misdemeanors not enumerated in Class II as well as infraction charges will be Class I misdemeanors. Infraction charges will only be assigned to a panel attorney for handling when they are companion matters associated with more serious charges.

Juvenile Delinquency

All delinquency cases and matters arising out of Juvenile Court.